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## OFFICE OF PETITIONS

In re Application of  
David Y. JACKSON et al.  
Application No. 10/772,678  
Filed: February 04, 2004  
Attorney Docket No. P1778R1C2

## DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 27, 2006, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 07, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 08, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee \$1,500.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of March 07, 2006 is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,020.00 extension of time fee submitted with the petition on October 27, 2006 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

The application file is being referred to Technology Center AU 1625 for appropriate action on the concurrently filed amendment.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions